

**MARK MATTHEW JASEN**  
ATTORNEY AT LAW  
620 GATEWAY EXECUTIVE PARK  
BUFFALO, NEW YORK 14219-1400  
Tel. No. (716) 826-2600  
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October 31, 1998

Federal Election Commission  
Office of General Counsel  
999 E. Street, NW  
Washington, DC 20463  
Att: F. Andrew Turley, Supervisory Attorney

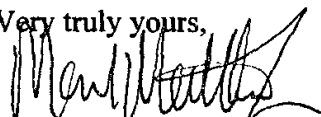
Re: MUR 4810

Dear Mr. Turley:

This letter will confirm that this office has been retained by the Friends of John LaFalce ("Committee") and Roger A. Marchione, as Treasurer, relative to a complaint filed against JOHN LAFALCE FOR CONGRESS COMMITTEE - FEC ID Number C00155796 under MUR # 4815, and your letter Dated October 9, 1998 granting an extension to respond on or before November 9, 1998.

Enclosed herewith please find my client's answer to the complaint. It is respectfully submitted that the answer sets forth reasons why the Commission should take no action on complaint-generated matters (2 U.S.C. 437g(a)(1)).

Very truly yours,

  
Mark Matthew Jasen

enclosure

cc: Roger A. Marchione, Treasurer  
Hon. John LaFalce

FEDERAL ELECTIONS COMMISSION

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In the matter of the Complaint of  
Ralph M. Mohr

ANSWER

vs.

Mur No.4810

John LaFalce For Congress Committee  
FEC ID Number C00155796  
and  
Independence Party of New York  
FEC ID Number C00275842

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Respondent **John LaFalce For Congress Committee, by Roger A. Marchione, Jr. as Treasurer of Friends of John LaFalce, by their attorney Mark Matthew Jasen, Esq.** as and for the Answer to the Complaint, herein alleges:

1. **Roger A. Marchione, as Treasurer of Friends of John LaFalce** lacks knowledge or sufficient information to form a belief as each and every allegation in Complaint of **Ralph M. Mohr**, as to those allegations relate to the Independence Party.
2. The two violations alleged in the complaint against the "LaFalce Campaign" are (1) the Independence Party's letter constitutes an excessive and illegal contribution to the LaFalce campaign, (paragraph 8) and (2) the LaFalce Campaign's failure to report this last minute in kind contribution violates federal law(paragraph 9).
3. That as treasure of **Friends of John LaFalce**, the Independence Party letter dated September 8, 1998 was generated and circulated for signature by various members of the Independence Party.
3. That a copy of the subject letter was not furnished to the **Roger A. Marchione, as Treasurer of Friends of John LaFalce** prior to printing

and mailing, and upon information and belief, the subject letter was composed and circulated, for the respective Independence Party members' signatures, by one or more of the Independence Party signors to the letter on Independence Party letterhead.

4. That after the subject letter was printed and mailed, as treasurer, the bill for printing and mailing -sent to **Roger A. Marchione, as Treasurer of Friends of John LaFalce** by the vendor for payment, together with other unrelated printing expenses for the John J. LaFalce campaign . That all printing, postage and label portion letter costs for the "Independence Party" weres paid for by the **Roger A. Marchione, as Treasurer of Friends of John LaFalce**. The complaint against the "LaFalce Campaign" regarding the "Independence Party's letter therefore does not constitute (1) an excessive and illegal contribution to the LaFalce campaign, (paragraph 8) or (2) a failure of the LaFalce Campaign to report a last minute in kind contribution (paragraph 9). This disbursement by the **Friends of John LaFalce** was properly reported on the timely filed October 15, 1998 Reports of Receipts and Disbursements.
5. Upon information and belief, since the body of the letter was composed by the Independence Party, which is a separate recognized political Party which endorsed John J. LaFalce, and the letter was in fact not seen by **Roger A. Marchione, as Treasurer of Friends of John LaFalce** until after it's mailing, the issue of any authorization notice was never brought to **Roger A. Marchione's**, attention, acting as **Treasurer**.
6. **Roger A. Marchione, as Treasurer of Friends of John LaFalce** has no knowledge that the "Independence Party of New York is no longer registered with the FEC, as alleged.

7. **Roger A. Marchione, as Treasurer of Friends of John LaFalce** believed at the time payment of the costs of the mailing occurred, that the "Independence Party of New York is and still is registered with the FEC, and that compliance with the 11 C.F.R 110.1, if applicable, would be complied with by the Independence Party. The issue of a needed authorization notice that the mailing and printing cost were Paid for by **Friends of John LaFalce**, never was brought to **Roger A. Marchione's** attention, as **Treasurer of Friends of John LaFalce**.
8. That **Roger A. Marchione, as Treasurer of Friends of John LaFalce** has always complied with 11 C.F.R 110.1, regarding communications of others authorized and financed by the **Friends of John LaFalce**.

**WHEREFORE**, Respondent **Friends of John LaFalce and Roger A. Marchione, Jr. as Treasurer** respectfully request that the complaint of **Ralph M. Mohr** is without merit, and that no action should be taken by the Commission in response to the Complaint.

DATED: **BUFFALO, NEW YORK**  
**October 30, 1998**

Yours, etc.,

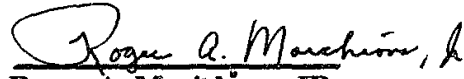
**MARK MATTHEW JASEN,ESQ.**  
Attorney for Respondents  
**John LaFalce For Congress Committee**  
**FEC ID Number C00155796, by**  
**Friends of John LaFalce and**  
**Roger A. Marchione, Jr. as Treasurer**  
Office & PO Address  
620 Gateway Executive Park  
Buffalo, New York 14219  
(716)826-2600

**VERIFICATION**

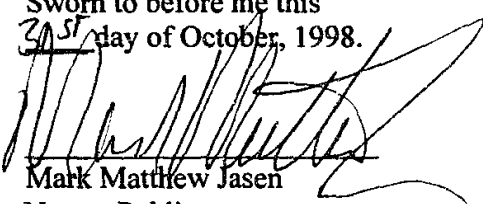
**STATE OF NEW YORK)**  
**COUNTY OF ERIE     )ss:**

I, the undersigned, **Roger A. Marchione, JR.**, being duly sworn, depose and says:

That I am the RESPONDENT in the foregoing proceeding and that I have read the ANSWER annexed herein and know the contents thereof, and the same are true to my knowledge, except as to those matters stated therein to be alleged upon information and belief, and as to those matters, I believe them to be true. My belief as to those matters therein not stated upon knowledge is based upon my examination of documents filed with the Federal Elections Commission, or copies thereof.

  
**Roger A. Marchione, JR.**

Sworn to before me this  
21<sup>st</sup> day of October, 1998.

  
**Mark Matthew Jasen**

**Notary Public**

**Qualified in Erie County**

**My Commission Expires 6/30/99**

FEDERAL ELECTIONS COMMISSION

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**In the matter of the Complaint of  
Ralph M. Mohr**

**ATTACHMENTS TO ANSWER**

vs.

Mur No.4810

**John LaFalce For Congress Committee  
FEC ID Number C00155796  
and  
Independence Party of New York  
FEC ID Number C00275842**

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1. Independence Party, letter dated September 8, 1998
2. Letter of extension, dated October 9, 1998

FEDERAL ELECTIONS COMMISSION

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In the matter of the Complaint of  
Ralph M. Mohr

vs.

Mur No.4810

John LaFalce For Congress Committee  
FEC ID Number C00153796

and

Independence Party of New York  
FEC ID Number C00275842

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**ANSWER**

**RESPONDENT John LaFalce For Congress Committee  
FEC ID Number C00155796**

**BY**

**FRIENDS OF JOHN LAFALCE  
ROGER A. MARCHIONE, JR. , as Treasurer**

**MARK MATTHEW JASEN,ESQ.**

Attorney for Respondents

**John LaFalce For Congress Committee**

**FEC ID Number C00155796, by**

**Friends of John LaFalce and**

**Roger A. Marchione, Jr. as Treasurer**

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